

REMARKS/ARGUMENTS

Applicant has carefully reviewed and considered the Office Action mailed on August 1, 2007, and the references cited therewith.

Claims 1, 7-16, 18-19, 22-23, and 25 are amended, and no claims are canceled or are added; as a result, claims 1-26 are now pending in this application.

Objections to the Specification

Applicant acknowledges the Examiner's indication of a preferred layout for the specification of a utility application. Applicant's specification includes an "Introduction" section, and Applicant respectfully submits that the specification includes each section that is required by 37 CFR 1.77(b).

Claim Objections

Claims 7-10, 12-17, and 23-25 were objected to because of informalities. Applicant has addressed each of the Examiner's objections and has amended claims 7-10, 12-16, 23, and 25 to more clearly recite the subject matter contained therein.

Applicant respectfully requests the Examiner to remove the objections to claims 7-10, 12-16, 23, and 25, as well as to claims 17 and 24 which depend from claims 16 and 23, respectively.

§ 102 Rejection of the Claims

Claims 11-13, and 18 were rejected under 35 USC § 102(b) as being anticipated by Alexander (U.S. Patent No. 5,949,753). Applicant respectfully traverses the rejection as follows.

In the interest of furthering prosecution of the current application, the Applicant has amended independent claims 1, 7, 11, 18, and 22 to include subject matter deemed allowable by the Examiner in the Office Action mailed August 1, 2007. Specifically, Applicant has incorporated subject matter deemed allowable by the Examiner with respect to currently amended claims 16 and 19 into independent claims 1, 7, 11, 18, and 22.

The Alexander reference appears to teach an emulated local area network (ELAN) that includes a primary and a backup default gateway that each are configured with a default gateway IP address and associated MAC address. Initially,

the primary gateway registers the default gateway MAC address. While the primary default gateway is active, the backup default gateway continually attempts to register the default MAC address, and when the primary default gateway fails, the backup default gateway is then allowed to register the default gateway MAC address.

(Abstract)

Applicant respectfully submits Alexander does not contain all elements and limitations in independent claims 11 and 18, as amended. For example, Applicant is unable to locate anywhere in the Alexander reference, a teaching or suggestion of, among other things, “a method of setting up router redundancy between a first and a second physical router” that includes:

- designating a fail-over virtual router interface for the first physical router on the second physical router based on the address information assigned to the first physical router; and
- designating a fail-over virtual router interface for the second physical router on the first physical router based on the address information assigned to the second physical router

as provided in Applicant’s independent claim 11, as amended.

Applicant is also unable to locate anywhere in the Alexander reference, a teaching or suggestion of, among other things, “a method of setting up router redundancy between a first and a second physical router” that includes:

- auto-configuring address information for a virtual router on the second physical router based on the IP address and domain of the first physical router by executing program instructions to communicate between the first and second physical routers ; and
- auto-configuring address information for a virtual router on the first physical router based on the IP address and domain of the second physical router by executing program instructions to communicate between the first and second physical routers.

as provided in Applicant’s independent claim 18, as amended.

Based on the forgoing, Applicant respectfully submits that Alexander does not support a proper § 102(b) rejection of claims 11 and 18, as amended. As such, Applicant respectfully requests reconsideration and withdrawal of the § 102(b)

rejection for independent claims 11 and 18, as well as those claims which depend therefrom.

§103 Rejection of the Claims

Claims 1-5, 7-10, and 22-26 were rejected under 35 USC § 103(a) as being unpatentable over Alexander (U.S. Patent No. 5,949,753) in view of Datta (U.S. Patent No. 6,493,341). Applicant respectfully traverses the rejection as follows.

Applicant respectfully submits that Alexander does not contain all elements and limitations in independent claims 1, 7, and 22, as amended. For example, Applicant is unable to locate anywhere in the Alexander reference, a teaching or suggestion of, among other things, a memory device having program instructions executable to:

designate a fail-over virtual router interface for a first physical router on a second physical router based on address information of the first physical router obtained via communication between the first physical router and the second physical router; and

designate a fail-over virtual router interface for the second physical router on the first physical router based on address information of the second physical router

as provided in Applicant's independent claim 1, as amended.

Applicant is also unable to locate anywhere in the Alexander reference, a teaching or suggestion of, among other things, a network management system having a first and a second physical router that includes:

means for designating a fail-over virtual router interface on the second physical router based on the address information obtained from the first physical router. . .and

means for designating a fail-over virtual router interface on the first physical router based on the address information obtained from the second physical router.

as provided in Applicant's independent claim 7, as amended.

Applicant is also unable to locate anywhere in the Alexander reference, a teaching or suggestion of, among other things, a computer readable medium having a program to cause a device to perform a method that includes:

designating a fail-over virtual router interface for the first physical router on the second physical router based on the address information assigned to the first physical router; and

designating a fail-over virtual router interface for the second physical router on the first physical router based on the address information assigned to the second physical router.

as provided in Applicant's independent claim 22, as amended.

From Applicant's review of the Datta reference, Datta does not cure the deficiencies of Alexander. For instance, Datta does not teach or suggest a memory device having program instructions executable to:

designate a fail-over virtual router interface for a first physical router on a second physical router based on address information of the first physical router obtained via communication between the first physical router and the second physical router; and

designate a fail-over virtual router interface for the second physical router on the first physical router based on address information of the second physical router

as provided in Applicant's independent claim 1, as amended.

Also, Datta does not teach or suggest a memory device having program instructions executable to:

means for designating a fail-over virtual router interface on the second physical router based on the address information obtained from the first physical router. . .and

means for designating a fail-over virtual router interface on the first physical router based on the address information obtained from the second physical router.

as provided in Applicant's independent claim 7, as amended.

Also, Datta does not teach or suggest a computer readable medium having a program to cause a device to perform a method that includes:

designating a fail-over virtual router interface for the first physical router on the second physical router based on the address information assigned to the first physical router; and

designating a fail-over virtual router interface for the second physical router on the first physical router based on the address information assigned to the second physical router.

as provided in Applicant's independent claim 22, as amended.

Therefore, the Alexander and Datta references, independently or in combination, do not teach or suggest each and every element in Applicant's independent claims 1, 7, and 22, as amended. As such, Applicant respectfully requests reconsideration and withdrawal of the § 103 rejection of claims 1, 7, and 22, as well as those claims which depend therefrom.

Claim 6 was rejected under 35 USC § 103(a) as being unpatentable over Alexander (U.S. Patent No. 5,949,753) in view of Datta (U.S. Patent No. 6,493,341) as applied to claim 1 above and further in view of Perlman (U.S. Patent No. 5,313,465).

For the reasons stated above, the Applicant submits that the Alexander reference does not teach or suggest each and every element and limitation in Applicant's independent claim 1. From Applicant's review of the Datta reference and the Perlman reference, the references fail to cure the deficiencies of the Alexander reference.

For instance, neither Datta nor Perlman teach or suggest a memory device having program instructions executable to:

- designate a fail-over virtual router interface for a first physical router on a second physical router based on address information of the first physical router obtained via communication between the first physical router and the second physical router; and

- designate a fail-over virtual router interface for the second physical router on the first physical router based on address information of the second physical router

as provided in Applicant's independent claim 1, as amended.

Accordingly, the Alexander, Datta, and Perlman references, independently or in combination, do not teach or suggest each and every element and limitation in Applicant's independent claim 1, as amended. As such, Applicant respectfully requests reconsideration and withdrawal of the § 103 rejection of claim 6, which depends from independent claim 1.

Claim 14 was rejected under 35 USC § 103(a) as being unpatentable over Alexander (U.S. Patent No. 5,949,753) in view of Kanekar (U.S. Patent No. 7,006,431).

For the reasons stated above, the Applicant submits that the Alexander reference does not teach or suggest each and every element and limitation in Applicant's independent claim 11. From Applicant's review of the Kanekar reference, the reference fails to cure the deficiencies of the Alexander reference.

For instance, Kanekar does not teach or suggest "a method of setting up router redundancy between a first and a second physical router" that includes:

- designating a fail-over virtual router interface for the first physical router on the second physical router based on the address information assigned to the first physical router; and

- designating a fail-over virtual router interface for the second physical router on the first physical router based on the address information assigned to the second physical router

as provided in Applicant's independent claim 11, as amended.

Accordingly, the Alexander and Kanekar references, independently or in combination, do not teach or suggest each and every element and limitation in Applicant's independent claim 11, as amended. As such, Applicant respectfully requests reconsideration and withdrawal of the § 103 rejection of claim 14, which depends from independent claim 11.

Claims 15, 20, and 21 were rejected under 35 USC § 103(a) as being unpatentable over Alexander (U.S. Patent No. 5,949,753) in view of Singh (U.S. Publ. No. 2005/0177762).

For the reasons stated above, the Applicant submits that the Alexander reference does not teach or suggest each and every element and limitation in Applicant's independent claims 11 and 18. From Applicant's review of the Singh reference, the reference fails to cure the deficiencies of the Alexander reference.

For instance, Singh does not teach or suggest "a method of setting up router redundancy between a first and a second physical router" that includes:

designating a fail-over virtual router interface for the first physical router on the second physical router based on the address information assigned to the first physical router; and

designating a fail-over virtual router interface for the second physical router on the first physical router based on the address information assigned to the second physical router

as provided in Applicant's independent claim 11, as amended.

Also, Singh does not teach or suggest "a method of setting up router redundancy between a first and a second physical router" that includes:

auto-configuring address information for a virtual router on the second physical router based on the IP address and domain of the first physical router by executing program instructions to communicate between the first and second physical routers ; and

auto-configuring address information for a virtual router on the first physical router based on the IP address and domain of the second physical router by executing program instructions to communicate between the first and second physical routers.

as provided in Applicant's independent claim 18, as amended.

Accordingly, the Alexander and Singh references, independently or in combination, do not teach or suggest each and every element in Applicant's independent claims 11 and 18, as amended. As such, Applicant respectfully requests reconsideration and withdrawal of the § 103 rejection of claim 15, which depends from independent claim 11, as well as of claims 20 and 21, which depend from independent claim 18.

Allowable Subject Matter

Claims 16 and 17 were objected to as set forth in paragraph 2 as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 19 was objected to as being dependent upon a rejected base claim, but was indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant thanks the Examiner for the indication of allowable subject matter.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney Jeffery L. Cameron at (612) 236-0121 to facilitate prosecution of this matter.

At any time during the pendency of this application, please charge any additional fees or credit overpayment to the Deposit Account No. 08-2025.

CERTIFICATE UNDER 37 CFR §1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: **MS AMENDMENT** Commissioner for Patents, P.O. BOX 1450, Alexandria, VA 22313-1450 on this 1 day of October, 2007.

Jennifer L. Vornhof
Name

[Signature]
Signature

Respectfully Submitted,
Heather N. Rorie

By Applicant's Representatives,
Brooks, Cameron & Huebsch, PLLC
1221 Nicollet Avenue, Suite 500
Minneapolis, MN 55403

By: [Signature]
Jeffery L. Cameron
Reg. No. 43,527

Date: 10/01/07